

ASSEMBLY BILL

No. 1751

Introduced by Assembly Member Pan

February 17, 2012

An act to amend Sections 17212, 17505, and 17506 of the Family Code, and to amend Section 11478.1 of the Welfare and Institutions Code, relating to child support services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1751, as introduced, Pan. Child support: access to information.

(1) Existing law creates the California Parent Locator Service and Central Registry, which is required to collect and disseminate specified information with respect to any parent, putative parent, spouse, or former spouse. Under existing law, the California Child Support Automation System, the California Parent Locator Service and Central Registry, and the Franchise Tax Board are authorized to receive that information from all state departments, boards, agencies, and bureaus. In addition, local child support agencies are entitled to receive that information from those state departments, boards, agencies, and bureaus.

This bill would require all state departments, boards, agencies, bureaus, or other agencies of the state, or any of its political subdivisions, to provide information to county child welfare agencies and county probation departments for use in identifying, locating, and notifying the parents of children who are in juvenile court proceedings, as well as for use in establishing parent and child relationships and in assessing the appropriateness of placing the child with a noncustodial parent. By imposing new requirements on cities and counties as political subdivisions of the state, this bill would impose a state-mandated local program.

(2) Under existing law, child and spousal support records are confidential, subject to certain exceptions. Existing law authorizes a public entity to disclose specified child and spousal support enforcement records for use in administrative, civil, and criminal investigations, actions, proceedings, and prosecutions for child and spousal support enforcement. Existing law authorizes a public entity to release an absent parent's social security number, most recent address, and place of employment to an authorized person, as defined, if the information has been provided to the California Parent Locator Service by the federal Parent Locator Service and the authorized person has filed a request for the information.

This bill would authorize the release of a parent's name, social security number, most recent address, telephone number, place of employment, or other contact information to county child welfare agencies and county probation departments that administer federal programs for foster care and child and family services. The bill would require the State Department of Social Services to, by January 30, 2013, amend the foster care state plan required under federal law to implement access to that information provided to the California Parent Locator Service by the federal Parent Locator Service, as specified. The bill would require the State Department of Social Service to issue, by July 1, 2013, an all-county letter or similar instruction explaining that county child welfare agencies and probation departments are entitled to specified information contained in child and spousal support records. The bill would authorize the Director of Social Services to adopt emergency regulations to implement the provisions of this bill and to readopt those emergency regulations a single time. The bill would authorize the State Department of Social Services to develop an interagency agreement with the Department of Child Support Services defining the county child welfare agency's access to information provided by the federal Parent Locator Service to the California Parent Locator Service, as specified. The bill would also require that the information exchange between the California Parent Locator Service or the California Child Support Automation System and the county child welfare agency be done through automated processes to the extent feasible.

This bill would also make related findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares as follows:

2 (a) If a child is abused or neglected by his or her custodial parent
3 and there is a noncustodial parent who may offer the child an
4 alternative placement to foster care, it is in the best interests of the
5 child and in the fiscal interests of the state and counties that the
6 noncustodial parent be identified for possible placement.

7 (b) For these reasons, and to reduce costly continuances of court
8 hearings when absent parents cannot be notified, to ensure more
9 timely and cost-effective determinations of paternity, and to reduce
10 or prevent placements in foster care, county welfare and probation
11 departments must be permitted routine access to child support
12 information.

13 SEC. 2. Section 17212 of the Family Code is amended to read:

14 17212. (a) It is the intent of the Legislature to protect
15 individual rights of privacy, and to facilitate and enhance the
16 effectiveness of the child and spousal support enforcement
17 program, by ensuring the confidentiality of support enforcement
18 and child abduction records, and to thereby encourage the full and
19 frank disclosure of information relevant to all of the following:

20 (1) The establishment or maintenance of parent and child
21 relationships and support obligations.

22 (2) The enforcement of the child support liability of absent
23 parents.

24 (3) The enforcement of spousal support liability of the spouse
25 or former spouse to the extent required by the state plan under
26 Section 17604 and Chapter 6 (commencing with Section 4900) of
27 Part 5 of Division 9.

28 (4) The location of absent parents.

29 (5) The location of parents and children abducted, concealed,
30 or detained by them.

(b) (1) Except as provided in subdivision (c), all files, applications, papers, documents, and records established or maintained by any public entity pursuant to the administration and implementation of the child and spousal support enforcement program established pursuant to Part D (commencing with Section 651) of Subchapter IV of Chapter 7 of Title 42 of the United States Code and this division, shall be confidential, and shall not be open to examination or released for disclosure for any purpose not directly connected with the administration of the child and spousal support enforcement program. No public entity shall disclose any file, application, paper, document, or record, or the information contained therein, except as expressly authorized by this section.

(2) In no case shall information be released or the whereabouts of one party or the child disclosed to another party, or to the attorney of any other party, if a protective order has been issued by a court or administrative agency with respect to the party, a good cause claim under Section 11477.04 of the Welfare and Institutions Code has been approved or is pending, or the public agency responsible for establishing paternity or enforcing support has reason to believe that the release of the information may result in physical or emotional harm to the party or the child. When a local child support agency is prohibited from releasing information pursuant to this subdivision, the information shall be omitted from any pleading or document to be submitted to the court and this subdivision shall be cited in the pleading or other document as the authority for the omission. The information shall be released only upon an order of the court pursuant to paragraph (6) of subdivision (c).

(3) Notwithstanding any other provision of law, a proof of service filed by the local child support agency shall not disclose the address where service of process was accomplished. Instead, the local child support agency shall keep the address in its own records. The proof of service shall specify that the address is on record at the local child support agency and that the address may be released only upon an order from the court pursuant to paragraph (6) of subdivision (c). The local child support agency shall, upon request by a party served, release to that person the address where service was effected.

(c) Disclosure of the information described in subdivision (b) is authorized as follows:

1 (1) All files, applications, papers, documents, and records as
2 described in subdivision (b) shall be available and may be used
3 by a public entity for all administrative, civil, or criminal
4 investigations, actions, proceedings, or prosecutions conducted in
5 connection with the administration of the child and spousal support
6 enforcement program approved under Part D (commencing with
7 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
8 United States Code and to the county welfare department
9 responsible for administering a program operated under a state
10 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
11 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

12 (2) A document requested by a person who wrote, prepared, or
13 furnished the document may be examined by or disclosed to that
14 person or his or her designee.

15 (3) The payment history of an obligor pursuant to a support
16 order may be examined by or released to the court, the obligor, or
17 the person on whose behalf enforcement actions are being taken
18 or that person's designee.

19 (4) Income and expense information of either parent may be
20 released to the other parent for the purpose of establishing or
21 modifying a support order.

22 (5) Public records subject to disclosure under the Public Records
23 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
24 of the Government Code) may be released.

25 (6) After a noticed motion and a finding by the court, in a case
26 in which establishment or enforcement actions are being taken,
27 that release or disclosure to the obligor or obligee is required by
28 due process of law, the court may order a public entity that
29 possesses an application, paper, document, or record as described
30 in subdivision (b) to make that item available to the obligor or
31 obligee for examination or copying, or to disclose to the obligor
32 or obligee the contents of that item. Article 9 (commencing with
33 Section 1040) of Chapter 4 of Division 3 of the Evidence Code
34 shall not be applicable to proceedings under this part. At any
35 hearing of a motion filed pursuant to this section, the court shall
36 inquire of the local child support agency and the parties appearing
37 at the hearing if there is reason to believe that release of the
38 requested information may result in physical or emotional harm
39 to a party. If the court determines that harm may occur, the court
40 shall issue any protective orders or injunctive orders restricting

1 the use and disclosure of the information as are necessary to protect
2 the individuals.

3 (7) To the extent not prohibited by federal law or regulation,
4 information indicating the existence or imminent threat of a crime
5 against a child, or location of a concealed, detained, or abducted
6 child or the location of the concealing, detaining, or abducting
7 person, may be disclosed to any district attorney, any appropriate
8 law enforcement agency, or to any state or county child protective
9 agency, or may be used in any judicial proceedings to prosecute
10 that crime or to protect the child.

11 (8) The social security number, most recent address, and the
12 place of employment of the absent parent may be released to an
13 authorized person as defined in Section 653(c) of Title 42 of the
14 United States Code, only if the authorized person has filed a request
15 for the information, and only if the information has been provided
16 to the California Parent Locator Service by the federal Parent
17 Locator Service pursuant to Section 653 of Title 42 of the United
18 States Code.

19 (9) *A parent's name, social security number, most recent*
20 *address, telephone number, place of employment, or other contact*
21 *information may be released to a county child welfare agency or*
22 *county probation department pursuant to subdivision (c) of Section*
23 *17506.*

24 (d) (1) "Administration and implementation of the child and
25 spousal support enforcement program," as used in this division,
26 means the carrying out of the state and local plans for establishing,
27 modifying, and enforcing child support obligations, enforcing
28 spousal support orders, and determining paternity pursuant to Part
29 D (commencing with Section 651) of Subchapter IV of Chapter 7
30 of Title 42 of the United States Code and this article.

31 (2) For purposes of this division, "obligor" means any person
32 owing a duty of support.

33 (3) As used in this division, "putative parent" shall refer to any
34 person reasonably believed to be the parent of a child for whom
35 the local child support agency is attempting to establish paternity
36 or establish, modify, or enforce support pursuant to Section 17400.

37 (e) Any person who willfully, knowingly, and intentionally
38 violates this section is guilty of a misdemeanor.

39 (f) Nothing in this section shall be construed to compel the
40 disclosure of information relating to a deserting parent who is a

1 recipient of aid under a public assistance program for which federal
2 aid is paid to this state, if that information is required to be kept
3 confidential by the federal law or regulations relating to the
4 program.

5 SEC. 3. Section 17505 of the Family Code is amended to read:

6 17505. (a) All state, county, and local agencies shall cooperate
7 with the local child support agency (1) in the enforcement of any
8 child support obligation or to the extent required under the state
9 plan under Chapter 6 (commencing with Section 4900) of Part 5
10 of Division 9, Section 270 of the Penal Code, and Section 17604,
11 and (2) the enforcement of spousal support orders and in the
12 location of parents or putative parents. The local child support
13 agency may enter into an agreement with and shall secure from a
14 municipal, county, or state law enforcement agency, pursuant to
15 that agreement, state summary criminal record information through
16 the California Law Enforcement Telecommunications System.
17 This subdivision applies irrespective of whether the children are
18 or are not receiving aid to families with dependent children. All
19 state, county, and local agencies shall cooperate with the district
20 attorney in implementing Chapter 8 (commencing with Section
21 3130) of Part 2 of Division 8 concerning the location, seizure, and
22 recovery of abducted, concealed, or detained minor children.

23 (b) On request, all state, county, and local agencies shall supply
24 the local child support agency of any county in this state or the
25 California Parent Locator Service with all information on hand
26 relative to the location, income, or property of any parents, putative
27 parents, spouses, or former spouses, notwithstanding any other
28 provision of law making the information confidential, and with all
29 information on hand relative to the location and prosecution of
30 any person who has, by means of false statement or representation
31 or by impersonation or other fraudulent device, obtained aid for a
32 child under this chapter.

33 (c) The California Child Support Automation System, or its
34 replacement, shall be entitled to the same cooperation and
35 information provided to the California Parent Locator Service, to
36 the extent allowed by law. The California Child Support
37 Automation System, or its replacement, shall be allowed access
38 to criminal offender record information only to the extent that
39 access is allowed by law.

(d) Information exchanged between the California Parent Locator Service or the California Child Support Automation System, or its replacement, and state, county, or local agencies as specified in ~~Section~~ *Sections 653(c)(4) and 666(c)(1)(D)* of Title 42 of the United State Code shall be through automated processes to the maximum extent feasible.

SEC. 4. Section 17506 of the Family Code is amended to read:

17506. (a) There is in the department a California Parent Locator Service and Central Registry that shall collect and disseminate all of the following, with respect to any parent, putative parent, spouse, or former spouse:

(1) The full and true name of the parent together with any known aliases.

(2) Date and place of birth.

(3) Physical description.

(4) Social security number.

(5) Employment history and earnings.

(6) Military status and Veterans Administration or military service serial number.

(7) Last known address, telephone number, and date thereof.

(8) Driver's license number, driving record, and vehicle registration information.

(9) Criminal, licensing, and applicant records and information.

(10) (A) Any additional location, asset, and income information, including income tax return information obtained pursuant to Section 19285.1 of the Revenue and Taxation Code, and to the extent permitted by federal law, the address, telephone number, and social security number obtained from a public utility, cable television corporation, a provider of electronic digital pager communication, or a provider of mobile telephony services that may be of assistance in locating the parent, putative parent, abducting, concealing, or detaining parent, spouse, or former spouse, in establishing a parent and child relationship, in enforcing the child support liability of the absent parent, or enforcing the spousal support liability of the spouse or former spouse to the extent required by the state plan pursuant to Section 17604.

(B) For purposes of this subdivision, "income tax return information" means all of the following regarding the taxpayer:

(i) Assets.

(ii) Credits.

- 1 (iii) Deductions.
- 2 (iv) Exemptions.
- 3 (v) Identity.
- 4 (vi) Liabilities.
- 5 (vii) Nature, source, and amount of income.
- 6 (viii) Net worth.
- 7 (ix) Payments.
- 8 (x) Receipts.
- 9 (xi) Address.
- 10 (xii) Social security number.

11 (b) Pursuant to a letter of agreement entered into between the
12 Department of Child Support Services and the Department of
13 Justice, the Department of Child Support Services shall assume
14 responsibility for the California Parent Locator Service and Central
15 Registry. The letter of agreement shall, at a minimum, set forth all
16 of the following:

17 (1) Contingent upon funding in the Budget Act, the Department
18 of Child Support Services shall assume responsibility for leadership
19 and staff of the California Parent Locator Service and Central
20 Registry commencing July 1, 2003.

21 (2) All employees and other personnel who staff or provide
22 support for the California Parent Locator Service and Central
23 Registry shall, at the time of the transition, at their option, become
24 the employees of the Department of Child Support Services at
25 their existing or equivalent classification, salaries, and benefits.

26 (3) Until the department's automation system for the California
27 Parent Locator Service and Central Registry functions is fully
28 operational, the department shall use the automation system
29 operated by the Department of Justice.

30 (4) Any other provisions necessary to ensure continuity of
31 function and meet or exceed existing levels of service.

32 (c) To effectuate the purposes of this section, the California
33 Child Support Automation System, the California Parent Locator
34 Service and Central Registry, and the Franchise Tax Board shall
35 utilize the federal Parent Locator Service to the extent necessary,
36 and may request and shall receive from all departments, boards,
37 bureaus, or other agencies of the state, or any of its political
38 subdivisions, and those entities shall provide, that assistance and
39 data that will enable the Department of Child Support Services
40 and other public agencies to carry out their powers and duties to

1 locate parents, spouses, and former spouses, and to identify their
2 assets, to establish parent-child relationships, and to enforce
3 liability for child or spousal support, and for any other obligations
4 incurred on behalf of children, and shall also provide that
5 information to any local child support agency in fulfilling the duties
6 prescribed in Section 270 of the Penal Code, and in Chapter 8
7 (commencing with Section 3130) of Part 2 of Division 8 of this
8 code, relating to abducted, concealed, or detained children *and to*
9 *any county child welfare agency or county probation department*
10 *in fulfilling the duties prescribed in Article 5.5 (commencing with*
11 *Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare*
12 *and Institutions Code, and prescribed in Article 6 (commencing*
13 *with Section 300) of Chapter 2 of Part 1 of Division 2 of the*
14 *Welfare and Institutions Code to identify, locate, and notify parents*
15 *of children who are the subject of juvenile court proceedings, to*
16 *establish parent and child relationships pursuant to Section 316.2*
17 *of the Welfare and Institutions Code, and to assess the*
18 *appropriateness of placement of a child with a noncustodial parent*
19 *pursuant to Section 361.2 of the Welfare and Institutions Code.*
20 *County child welfare agencies and probation departments shall*
21 *be entitled to that information regardless of whether the State*
22 *Department of Social Services has taken any action to implement*
23 *the entitlement, including amending the foster care state plan*
24 *required by Subtitle IV-E (commencing with Section 470) of the*
25 *federal Social Security Act (42 U.S.C. Sec. 670 et seq.), issuing*
26 *regulations, or entering into an interagency agreement.* The
27 California Child Support Automation System shall be entitled to
28 the same cooperation and information as the California Parent
29 Locator Service and Central Registry to the extent allowed by law.
30 The California Child Support Automation System shall be allowed
31 access to criminal record information only to the extent that access
32 is allowed by state and federal law.

33 (d) (1) To effectuate the purposes of this section, and
34 notwithstanding any other provision of California law, regulation,
35 or tariff, and to the extent permitted by federal law, the California
36 Parent Locator Service and Central Registry and the California
37 Child Support Automation System may request and shall receive
38 from public utilities, as defined in Section 216 of the Public
39 Utilities Code, customer service information, including the full
40 name, address, telephone number, date of birth, employer name

1 and address, and social security number of customers of the public
2 utility, to the extent that this information is stored within the
3 computer database of the public utility.

4 (2) To effectuate the purposes of this section, and
5 notwithstanding any other provision of California law, regulation,
6 or tariff, and to the extent permitted by federal law, the California
7 Parent Locator Service and Central Registry and the California
8 Child Support Automation System may request and shall receive
9 from cable television corporations, as defined in Section 216.4 of
10 the Public Utilities Code, the providers of electronic digital pager
11 communication, as defined in Section 629.51 of the Penal Code,
12 and the providers of mobile telephony services, as defined in
13 Section 224.4 of the Public Utilities Code, customer service
14 information, including the full name, address, telephone number,
15 date of birth, employer name and address, and social security
16 number of customers of the cable television corporation, customers
17 of the providers of electronic digital pager communication, and
18 customers of the providers of mobile telephony services.

19 (3) In order to protect the privacy of utility, cable television,
20 electronic digital pager communication, and mobile telephony
21 service customers, a request to a public utility, cable television
22 corporation, provider of electronic digital pager communication,
23 or provider of mobile telephony services for customer service
24 information pursuant to this section shall meet the following
25 requirements:

26 (A) Be submitted to the public utility, cable television
27 corporation, provider of electronic digital pager communication,
28 or provider of mobile telephony services in writing, on a transmittal
29 document prepared by the California Parent Locator Service and
30 Central Registry or the California Child Support Automation
31 System and approved by all of the public utilities, cable television
32 corporations, providers of electronic digital pager communication,
33 and providers of mobile telephony services. The transmittal shall
34 be deemed to be an administrative subpoena for customer service
35 information.

36 (B) Have the signature of a representative authorized by the
37 California Parent Locator Service and Central Registry or the
38 California Child Support Automation System.

39 (C) Contain at least three of the following data elements
40 regarding the person sought:

1 (i) First and last name, and middle initial, if known.

2 (ii) Social security number.

3 (iii) Driver's license number.

4 (iv) Birth date.

5 (v) Last known address.

6 (vi) Spouse's name.

7 (D) The California Parent Locator Service and Central Registry
8 and the California Child Support Automation System shall ensure
9 that each public utility, cable television corporation, provider of
10 electronic digital pager communication services, and provider of
11 mobile telephony services has at all times a current list of the names
12 of persons authorized to request customer service information.

13 (E) The California Child Support Automation System and the
14 California Parent Locator Service and Central Registry shall ensure
15 that customer service information supplied by a public utility, cable
16 television corporation, providers of electronic digital pager
17 communication, or provider of mobile telephony services is
18 applicable to the person who is being sought before releasing the
19 information pursuant to subdivision (d).

20 (4) During the development of the California Child Support
21 Automation System, the department shall determine the necessity
22 of additional locate sources, including those specified in this
23 section, based upon the cost-effectiveness of those sources.

24 (5) The public utility, cable television corporation, electronic
25 digital pager communication provider, or mobile telephony service
26 provider may charge a fee to the California Parent Locator Service
27 and Central Registry or the California Child Support Automation
28 System for each search performed pursuant to this subdivision to
29 cover the actual costs to the public utility, cable television
30 corporation, electronic digital pager communication provider, or
31 mobile telephony service provider for providing this information.

32 (6) No public utility, cable television corporation, electronic
33 digital pager communication provider, or mobile telephony service
34 provider or official or employee thereof, shall be subject to criminal
35 or civil liability for the release of customer service information as
36 authorized by this subdivision.

37 (e) Notwithstanding Section 14202 of the Penal Code, any
38 records established pursuant to this section shall be disseminated
39 only to the Department of Child Support Services, the California
40 Child Support Automation System, the California Parent Locator

1 Service and Central Registry, the parent locator services and central
2 registries of other states as defined by federal statutes and
3 regulations, a local child support agency of any county in this state,
4 and the federal Parent Locator Service. The California Child
5 Support Automation System shall be allowed access to criminal
6 offender record information only to the extent that access is allowed
7 by law.

8 (f) (1) At no time shall any information received by the
9 California Parent Locator Service and Central Registry or by the
10 California Child Support Automation System be disclosed to any
11 person, agency, or other entity, other than those persons, agencies,
12 and entities specified pursuant to Section 17505, this section, or
13 any other provision of law.

14 (2) This subdivision shall not otherwise affect discovery between
15 parties in any action to establish, modify, or enforce child, family,
16 or spousal support, that relates to custody or visitation.

17 (g) (1) The Department of Justice, in consultation with the
18 Department of Child Support Services, shall promulgate rules and
19 regulations to facilitate maximum and efficient use of the California
20 Parent Locator Service and Central Registry. Upon implementation
21 of the California Child Support Automation System, the
22 Department of Child Support Services shall assume all
23 responsibility for promulgating rules and regulations for use of
24 the California Parent Locator Service and Central Registry.

25 (2) The Department of Child Support Services, the Public
26 Utilities Commission, the cable television corporations, providers
27 of electronic digital pager communication, and the providers of
28 mobile telephony services shall develop procedures for obtaining
29 the information described in subdivision (c) from public utilities,
30 cable television corporations, providers of electronic digital pager
31 communication, and providers of mobile telephony services and
32 for compensating the public utilities, cable television corporations,
33 providers of electronic digital pager communication, and providers
34 of mobile telephony services for providing that information.

35 (h) The California Parent Locator Service and Central Registry
36 may charge a fee not to exceed eighteen dollars (\$18) for any
37 service it provides pursuant to this section that is not performed
38 or funded pursuant to Section 651 and following of Title 42 of the
39 United States Code.

1 (i) This section shall be construed in a manner consistent with
2 the other provisions of this article.

3 SEC. 5. Section 11478.1 of the Welfare and Institutions Code
4 is amended to read:

5 11478.1. (a) It is the intent of the Legislature to protect
6 individual rights of privacy, and to facilitate and enhance the
7 effectiveness of the child and spousal support enforcement
8 program, by ensuring the confidentiality of support enforcement
9 and child abduction records, and to thereby encourage the full and
10 frank disclosure of information relevant to all of the following:

11 (1) The establishment or maintenance of parent and child
12 relationships and support obligations.

13 (2) The enforcement of the child support liability of absent
14 parents.

15 (3) The enforcement of spousal support liability of the spouse
16 or former spouse to the extent required by the state plan under
17 Section 11475.2 of this code and Chapter 6 (commencing with
18 Section 4900) of Part 5 of Division 9 of the Family Code.

19 (4) The location of absent parents.

20 (5) The location of parents and children abducted, concealed,
21 or detained by them.

22 (b) (1) Except as provided in subdivision (c), all files,
23 applications, papers, documents, and records established or
24 maintained by any public entity pursuant to the administration and
25 implementation of the child and spousal support enforcement
26 program established pursuant to Part D (commencing with Section
27 651) of Subchapter IV of Chapter 7 of Title 42 of the United States
28 Code and this article, shall be confidential, and shall not be open
29 to examination or released for disclosure for any purpose not
30 directly connected with the administration of the child and spousal
31 support enforcement program. No public entity shall disclose any
32 file, application, paper, document, or record, or the information
33 contained therein, except as expressly authorized by this section.

34 (2) In no case shall information be released or the whereabouts
35 of one party or the child disclosed to another party, or to the
36 attorney of any other party, if a protective order has been issued
37 by a court or administrative agency with respect to the former
38 party, a good cause claim under Section 11477.04 has been
39 approved or is pending, or the public agency responsible for
40 establishing paternity or enforcing support has reason to believe

1 that the release of the information may result in physical or
2 emotional harm to the former party or the child.

3 (3) Notwithstanding any other provision of law, a proof of
4 service filed by the district attorney shall not disclose the address
5 where service of process was accomplished. Instead, the district
6 attorney shall keep the address in his or her own records. The proof
7 of service shall specify that the address is on record at the district
8 attorney's office and that the address may be released only upon
9 an order from the court pursuant to paragraph (6) of subdivision
10 (c). The district attorney shall, upon request by a party served,
11 release to that person the address where service was effected.

12 (c) Disclosure of the information described in subdivision (b)
13 is authorized as follows:

14 (1) All files, applications, papers, documents and records as
15 described in subdivision (b) shall be available and may be used
16 by a public entity for all administrative, civil, or criminal
17 investigations, actions, proceedings, or prosecutions conducted in
18 connection with the administration of the child and spousal support
19 enforcement program approved under Part D (commencing with
20 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
21 United States Code, and any other plan or program described in
22 Section 303.21 of Title 45 of the Code of Federal Regulations and
23 to the county welfare department responsible for administering a
24 program operated under a state plan pursuant to Subpart 1 or 2 or
25 Part B or Part E of Subchapter IV of Chapter 7 of Title 42 of the
26 United States Code.

27 (2) A document requested by a person who wrote, prepared, or
28 furnished the document may be examined by or disclosed to that
29 person or his or her designee.

30 (3) The payment history of an obligor pursuant to a support
31 order may be examined by or released to the court, the obligor, or
32 the person on whose behalf enforcement actions are being taken
33 or that person's designee.

34 (4) Income and expense information of either parent may be
35 released to the other parent for the purpose of establishing or
36 modifying a support order.

37 (5) Public records subject to disclosure under the Public Records
38 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
39 of the Government Code) may be released.

(6) After a noticed motion and a finding by the court, in a case in which establishment or enforcement actions are being taken, that release or disclosure to the obligor or obligee is required by due process of law, the court may order a public entity that possesses an application, paper, document, or record as described in subdivision (b) to make that item available to the obligor or obligee for examination or copying, or to disclose to the obligor or obligee the contents of that item. Article 9 (commencing with Section 1040) of Chapter 4 of Division 3 of the Evidence Code shall not be applicable to proceedings under this part. At any hearing of a motion filed pursuant to this section, the court shall inquire of the district attorney and the parties appearing at the hearing if there is reason to believe that release of the requested information may result in physical or emotional harm to a party. If the court determines that harm may occur, the court shall issue any protective orders or injunctive orders restricting the use and disclosure of the information as are necessary to protect the individuals.

(7) To the extent not prohibited by federal law or regulation, information indicating the existence or imminent threat of a crime against a child, or location of a concealed, detained, or abducted child or the location of the concealing, detaining, or abducting person, may be disclosed to any district attorney, any appropriate law enforcement agency, or to any state or county child protective agency, or may be used in any judicial proceedings to prosecute that crime or to protect the child.

(8) (A) The social security number, most recent address, and the place of employment of the absent parent may be released to an authorized person as defined in Section 653(c) of Title 42 of the United States Code, only if the authorized person has filed a request for the information, and only if the information has been provided to the California Parent Locator Service by the federal Parent Locator Service pursuant to Section 653 of Title 42 of the United States Code.

(B) *The information described in subparagraph (A) may be disclosed to the county child welfare agency and the county probation department responsible for administering a program operated under a state plan pursuant to Subpart 1 (commencing with Section 621) or 2 (commencing with Section 629) of Part B of, or pursuant to Part E (commencing with Section 670) of,*

1 *Subchapter IV of Chapter 7 of Title 42 of the United States Code.*
2 *Information exchanged between the California Parent Locator*
3 *Service or the California Child Support Automation System, or its*
4 *replacement, and the county welfare agency shall be through*
5 *automated processes to the maximum extent feasible. The State*
6 *Department of Social Services shall, no later than January 30,*
7 *2013, amend the foster care state plan required under Subtitle*
8 *IV-E (commencing with Section 470) of the federal Social Security*
9 *Act (42 U.S.C. Sec. 670 et seq.) to implement this access to*
10 *information provided to the California Parent Locator Service by*
11 *the federal Parent Locator Service to ensure that it is not in conflict*
12 *with and facilitates implementation of paragraph (9) of subdivision*
13 *(c) of Section 17212, and subdivision (c) of Section 17506, of the*
14 *Family Code.*

15 *(C) On or before July 1, 2013, the State Department of Social*
16 *Services shall issue an all-county letter or similar instruction from*
17 *the Director of Social Services explaining that county child welfare*
18 *and probation agencies are entitled to the information described*
19 *in paragraph (9) of subdivision (c) of Section 17212 and*
20 *subdivision (c) of Section 17506 of the Family Code. In the*
21 *discretion of the Director of Social Services, the State Department*
22 *of Social Services may adopt emergency regulations to implement*
23 *the applicable provisions of this act in accordance with the*
24 *Administrative Procedure Act. The initial adoption of emergency*
25 *regulations and one readoption of the emergency regulations shall*
26 *be deemed to be an emergency and necessary for the immediate*
27 *preservation of the public peace, health, safety, or general welfare.*
28 *Initial emergency regulations and the first readoption of those*
29 *regulations shall be exempt from review by the Office of*
30 *Administrative Law. The emergency regulations authorized by this*
31 *paragraph shall be submitted to the Office of Administrative Law*
32 *for filing with the Secretary of State and shall remain in effect for*
33 *no more than 180 days. In its discretion, the State Department of*
34 *Social Services may develop an interagency agreement with the*
35 *Department of Child Support Services that delineates the terms*
36 *and conditions of the county child welfare agency's access to*
37 *information described in this paragraph that is provided by the*
38 *federal Parent Locator Service to the California Parent Locator*
39 *Service and Central Registry, as described in Section 17506 of the*

1 *Family Code, and to ensure timely feedback on any information*
2 *obtained on an absent parent.*

3 (d) (1) “Administration and implementation of the child and
4 spousal support enforcement program,” as used in this section,
5 means the carrying out of the state and local plans for establishing,
6 modifying, and enforcing child support obligations, enforcing
7 spousal support orders, and determining paternity pursuant to Part
8 D (commencing with Section 651) of Subchapter IV of Chapter 7
9 of Title 42 of the United States Code and this article.

10 (2) For purposes of this section, “obligor” means any person
11 owing a duty of support.

12 (3) As used in this chapter, “putative parent” shall refer to any
13 person reasonably believed to be the parent of a child for whom
14 the district attorney is attempting to establish paternity or establish,
15 modify, or enforce support pursuant to Section 11475.1.

16 (e) Any person who willfully, knowingly, and intentionally
17 violates this section is guilty of a misdemeanor.

18 (f) Nothing in this section shall be construed to compel the
19 disclosure of information relating to a deserting parent who is a
20 recipient of aid under a public assistance program for which federal
21 aid is paid to this state, if that information is required to be kept
22 confidential by the federal law or regulations relating to the
23 program.

24 SEC. 6. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.